

Docket No. 31896-090001 (AM100863)
Patent

REMARKS

Claims 1-53 are pending. By this amendment, Applicants have withdrawn claims 1-8, 15-16, and 26-53 with traverse. Applicants reserve the right to pursue these withdrawn claims in a continuation or divisional application. In addition, Applicants have amended claim 18 to delete the term "an."

Applicants respectfully submit that the amendments to the claims do not introduce new matter. Accordingly, Applicants respectfully request the Examiner to enter the amendments.

Restriction

On page 2, the Office Action requires Applicants to elect one of seven groups of claims for prosecution on the merits. Applicants hereby elect, with traverse, Group II, claims 9-14 and 17-25, for examination.

Applicants respectfully submit that the restriction requirement is improper. MPEP § 803 states "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Without agreeing to disagreeing with the contention that Groups I-VIII are distinct and independent inventions, Applicants respectfully submit that search and examination of these groups of claims do not impose serious burden upon the Examiner. For instance, all of these claims relate to or involve the use of similar proteins. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement.

Objection to Claim 46

On page 2, the Office Action objects to claim 46. Applicants have withdrawn claim 46 with traverse, thereby rendering the objection moot. Withdrawal of the objection of claim 46 is, therefore, respectfully requested.

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CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that no fee is due, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 19-2380 referring to attorney docket number 031896-090000.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: December 6, 2004

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